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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-610**

12 **SHEILA DORIS LARKIN**
13 **906 Pine Street**
Vallejo, CA 94590

ACCUSATION

14 **Registered Nursing license No. 702812**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about April 30, 2007, the Board of Registered Nursing issued Registered
23 Nursing license Number 702812 to Sheila Doris Larkin (Respondent). The Registered Nursing
24 license expired on March 31, 2009, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
2 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2761 of the Code states:

6 "The board may take disciplinary action against a certified or licensed nurse or deny an
7 application for a certificate or license for any of the following:

8 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

9 ..."

10 6. Section 2762 of the Code states:

11 "In addition to other acts constituting unprofessional conduct within the meaning of this
12 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
13 chapter to do any of the following:

14 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
15 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
16 administer to another, any controlled substance as defined in Division 10 (commencing with
17 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
18 defined in Section 4022.

19 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
20 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
21 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
22 himself or herself, any other person, or the public or to the extent that such use impairs his or her
23 ability to conduct with safety to the public the practice authorized by his or her license.

24 "(c) Be convicted of a criminal offense involving the prescription, consumption, or self
25 administration of any of the substances described in subdivisions (a) and (b) of this section, or the
26 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)
27 of this section, in which event the record of the conviction is conclusive evidence thereof.

"(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

7. Health and Safety Code section 11173(a) states, in pertinent part, that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances by fraud, deceit, misrepresentation or subterfuge.

8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the licensee.

9. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

11. Vicodin and Norco are brand names for compounds of varying dosages of acetaminophen and hydrocodone bitartrate, Schedule III controlled substances as designated by Health and Safety Code section 11056(e)(4) and dangerous drugs as designated by Business and Professions Code section 4022, used for pain relief.

12. Percocet is the brand name for oxycodone, a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(n) and a dangerous drug as designated

by Business and Professions Code section 4022, used for pain relief.

FIRST CAUSE FOR DISCIPLINE

(ILLEGALLY OBTAIN OR POSSESS CONTROLLED SUBSTANCES)

13. Respondent is subject to disciplinary action under Code section 2761(a) on the grounds of unprofessional conduct, as defined by Code section 2762(a), in that while on duty as a registered nurse at Kaiser Permanente, Antioch, California, Respondent illegally obtained and/or possessed controlled substances as follows:

Patient A:

a. On February 4, 2008 at 22:57, Respondent removed two Vicodin from the hospital Pyxis¹ for Patient A, when the physician's order called for only one Vicodin every four hours as needed. Respondent failed to document administration or wastage of any of the Vicodin, or account for its disposition.

Patient B:

b. On February 5, 2008 at 15:52, Respondent removed two Percocet from the hospital Pyxis for Patient B. Respondent failed to document administration or wastage of the Percocet, or account for its disposition.

Patient C:

c. On January 16, 2008 at 16:16, Respondent removed two Norco from the hospital Pyxis for Patient C, when the physician's order called for only one Norco every four hours as needed. Patient C had been discharged from the hospital at 16:05, 11 minutes prior to Respondent's removal of the medication. Respondent failed to document administration or wastage of the Norco, or account for its disposition.

Patient D:

d. On January 16, 2008 at 20:31, Respondent removed two Norco from the hospital Pyxis for Patient D. Respondent failed to document administration or wastage of the Norco, or account for its disposition.

¹ Pyxis is a hospital computerized medication storage system.

1 Patient E:

2 e. On January 17, 2008 at 18:35, Respondent removed one Vicodin from the hospital
3 Pyxis for Patient E. The Medication Administration Record indicated that the patient was
4 nauseated at 18:39, and that the Vicodin was not administered. Respondent failed to document
5 wastage of the Vicodin, or account for its disposition.

6 Patient F:

7 f. On January 17, 2008 at 19:01, Respondent removed two Percocet from the hospital
8 Pyxis for Patient F. Medical records indicated that the patient refused the medication.
9 Respondent failed to document wastage of the Percocet, or account for its disposition.

10 SECOND CAUSE FOR DISCIPLINE

11 (ILLEGAL USE OF CONTROLLED SUBSTANCES)

12 14. Respondent is subject to disciplinary action under Code section 2761(a) on the
13 grounds of unprofessional conduct, as defined by Code section 2762(b), in that between January
14 16, 2008 and February 5, 2008, at Kaiser Permanente in Antioch, California, Respondent used
15 Vicodin, Norco, and Percocet, controlled substances, to an extent or in a manner dangerous or
16 injurious to herself and/or others.

17 THIRD CAUSE FOR DISCIPLINE

18 (FALSIFY, OR MAKE GROSSLY INCORRECT, GROSSLY INCONSISTENT, OR
19 UNINTELLIGIBLE ENTRIES IN ANY PATIENT RECORD)

20 15. Respondent is subject to disciplinary action under Code section 2761(a) on the
21 grounds of unprofessional conduct, as defined by Code section 2762(e), in that while on duty as a
22 registered nurse at Kaiser Permanente in Antioch, California, Respondent falsified, made grossly
23 incorrect, grossly inconsistent, or unintelligible entries in hospital and patient records, as alleged
24 above in paragraphs 13.a. through 13.f.

25 FOURTH CAUSE FOR DISCIPLINE

26 (UNPROFESSIONAL CONDUCT)

27 16. Respondent is subject to disciplinary action under section 2761(a) in that she acted
28 unprofessionally as alleged above in paragraphs 13.a. through 13.f., 14 and 15.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nursing license Number 702812, issued to Sheila Doris Larkin;
2. Ordering Sheila Doris Larkin to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

5/27/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2010200605